IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Tr.P(C).No. 171 of 2007()

OP.407/2007 of FAMILY COURT, THIRUVALLA

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PETITIONERS/RESPONDENTS IN OP

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1. BIJI K. VARGHESE,
   KOPPARAZHIKATHU VEETTU, HOUSE NO.44,
   BENEDICT NAGAR, NALANCHIRA P.O.,
   THIRUVANANTHAPURAM.

2. REV. FR. K.G.VARGHESE, -DO- -DO-.

3. MARYKUTTY VARGHESE, -DO-.

BY ADV. SRI.G.UNNIKRISHNON

RESPONDENTS: PETITIONER IN OP

CIVI P.SAMULE,
PUTHENVILAYIL VEETTU, PRADADOM VILLAGE,
KOZHENCHERI TALUK, VELLAPARA P.O.,
PATHANAMTHITTA DISTRICT PRESNTELY WORKING AS
MARKETING EXECUTIVE, TEST PVT.LTD., T.C.26/2190,
HEBATUM, OPP.A.K.G.CENTRE, THIRUVANANTHAPURAM.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

Tr.P.C..No. 171 OF 2007

Dated this the 25th July, 2007.

JUDGMENT

This petition is filed to transfer O.P.407/2007 pending before the Family Court, Thiruvalla to the Family Court, Thiruvananthapuram. The first writ petitioner is the husband and the others in the petition are his parents. The wife has filed an application for compensation and return of the amount. The ground alleged for transfer is the bad health of one of the parents and inconvenience. It is also submitted that the wife is also residing at Thiruvananthapuram. There is no dispute regarding the point that Family Court, Thiruvalla has jurisdiction to try the case. The suit is only one for damages and compensation as the case may be and unlike other matrimonial disputes where the personal presence of the parties is necessary frequently it is not necessary in this type of cases. Therefore, the grievance of the petitioner can be ventilated by directing the Family Court, Thiruvalla not to insist the personal appearance of petitioners 2 and 3 viz., the parents of the husband on all hearing days and when a situation arises, if it is proved that they are personally not able to travel that also may be considered by the court so that least hardship be caused to them. By

indiscriminately effecting transfers of cases from one family court to the other, it will result in the non-working of Section 19 of the Hindu Marriage Act as well as the provisions of the Family Courts Act. Therefore, I do not find circumstances exist to transfer the case and the transfer petition is dismissed with the observations made above.

M.N.KRISHNAN
Judge

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